EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 3

DOCKET NO.: 2007-1174-MWD-E **TCEQ ID:** RN102097235 **CASE NO.:** 34306

RESPONDENT NAME: Cities of Waco, Woodway, Bellmead, Lacy Lakeview, Robinson and Hewitt

ORDER TYPE:		
1660 AGREED ORDER	X FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
AMENDED ORDER	EMERGENCY ORDER	
CASE TYPE:		
AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE
PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION
XWATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION
OTHER SIGNIFICANT MATTERS: The facility location. INTERESTED PARTIES: No one other the state of	No ere are no complaints. There is no record of addition than the ED and the Respondent has expressed an integer comment period expired on January 22, 2008.	erest in this matter.
TCEQ Enforcement Coordinato Bryan Sinclair, Enforcement Divi- Respondent: Mr. Larry D. Groth, Mr. Yousry Zakhary, City Manag Mr. S.G. Radcliffe, City Manager Mr. Michael Nicoletti, City Mana Mr. Keith Bond, Director of Publ Mr. R.C. Fletcher, City Manager, Mr. Dennis H. Woodard, City Ma	or: Ms. Melissa Keller, SEP Coordinator, Enforcem r: Ms. Merrilee Hupp, Enforcement Division, Enforsion, MC 219, (512) 239-2171 City Manager, City of Waco, P.O. Box 2570, Waco er, City of Woodway, 924 Estates Drive, Woodway, City of Bellmead, 3015 Bellmead Drive, Bellmead, ger, City of Lacy Lakeview, 501 East Craven, Lacy I ic Works, City of Lacy Lakeview, 501 East Craven, City of Robinson, 111 West Lyndale Avenue, Robin nager, City of Hewitt, P.O. Box 610, Hewitt, Texas resented by counsel on this enforcement matter	cement Team 1, MC 169, (512) 239-4490; Mr. , Texas 76702 Texas 76712 Texas 76705 Lakeview, Texas 76705 Lacy Lakeview, Texas 76705 Lson, Texas 76706

VIOLATION SUMMARY CHART: CORRECTIVE ACTIONS HERE VIOLATION INFORMATION PENALTY CONSIDERATIONS TAKEN/REQUIRED SPORTED TO THE SECOND OF THE SECOND **Corrective Actions Taken:** Total Assessed: \$54,720 Type of Investigation: Complaint The Executive Director recognizes that the Total Deferred: \$0 X Routine Respondents have implemented the ___ Enforcement Follow-up __Expedited Settlement following corrective measures at the Records Review Facility: Financial Inability to Pay Date(s) of Complaints Relating to this a. On April 3, 2007 at 6:01 pm, orally SEP Conditional Offset: \$54,720 Case: None reported to TCEQ Waco Regional Office the unauthorized discharge which they Total Paid (Due) to General Revenue: \$0 Date of Investigation Relating to this became aware of on April 2, 2007 at 4:45 Case: April 4, 2007 and April 11, 2007 Site Compliance History Classification __ High X Average __ Poor Date of NOV/NOE Relating to this Case: b. By April 7, 2007, applied disinfectant to June 22, 2007 (NOE) the ground, suspended disinfection bags Person Compliance History Classification from the 12th Street bridge, created an __ High _X_Average ___ Poor Background Facts: This was a routine earthen dam to contain the April 2, 2007 investigation. discharge, diverted the flow in order to Major Source: Yes X No allow repair of the broken line, and WATER removed sewer solids and litter from the Applicable Penalty Policy: September 2002 area; and 1) Failure to prevent an unauthorized discharge of wastewater. Specifically, due Findings Orders Justification: c. By April 12, 2007, rerouted and to a break in a 30-inch interceptor line, replaced transducer cables to ensure Three repeated enforcement actions over the more than 100,000 gallons of wastewater continued operation and control of lift was discharged into a bar ditch that flows prior five year period for the same violation. station wet well floats during construction into a concrete stormwater collector that activities, installed additional alarms to discharged into Cottonwood Creek under ensure awareness of malfunctions leading South 12th Street. Sixteen dead fish and to unauthorized discharges, constructed significantly high bacteria counts were berms to contain the April 10, 2007 documented downstream of the point of unauthorized discharge, applied discharge [Tex. WATER CODE § 26.121(a), disinfectant to the ground, and removed TEX. ADMIN. CODE § 305.125(4), and sewer solids and litter from the area. Texas Pollutant Discharge Elimination System ("TPDES") Permit No. **Ordering Provisions:** WO0011071001, Permit Conditions 2.g.]. 2) Failure to prevent an unauthorized The Order will require the Respondents to discharge of wastewater. Specifically, due implement and complete a Supplemental to construction activities at the Transfer lift Environmental Project (SEP). (See station, about 5,000,000 gallons of Attachment A) wastewater were released from the manhole onto a field outside the lift station and into a stormwater conveyance which flows into the Brazos River through a culvert below the Lake Brazos low water dam. Significantly high bacteria counts were documented at the point of discharge (483,834 Most Probable Number per 100 milliliters ["MPN/100 mL"]) and downstream (1,842 MPN/100 mL) from the discharge compared to concentrations of 242 MPN/100 mL upstream [Tex. WATER CODE § 26.121(a), TEX. ADMIN. CODE § 305.125(4), and TPDES Permit

RESPONDENT NAME: Cities of Waco, Woodway, Bellmead, Lacy Lakeview, Robinson and Hewitt Page 3 of 3 **DOCKET NO.:** 2007-1174-MWD-E

No. WQ0011071001, Permit Conditions 2.g.].	
3) Failure to orally notify the TCEQ Waco Regional Office within 24 hours of becoming aware of an unauthorized discharge. Specifically, the Respondents became aware of the unauthorized discharge at 4:45 pm on April 2, 2007, but did not notify the TCEQ until 6:01 pm on April 3, 2007 [30 Tex. ADMIN. CODE § 305.125(9)(A) and TPDES Permit No. WQ0011071001, Monitoring and Reporting Requirements No. 7.a.].	

Additional ID No(s).: TPDES Permit No. WQ0011071001

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Attachment A Docket Number: 2007-1174-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondents: Cities of Waco, Woodway, Bellmead, Lacy Lakeview, Robinson

and Hewitt

Payable Penalty Amount: Fifty-Four Thousand Seven Hundred Twenty Dollars (\$54,720)

SEP Amount: Fifty-Four Thousand Seven Hundred Twenty Dollars (\$54,720)

Type of SEP: Pre-approved

Third-Party Recipient: Texas Association of Resource Conservation and Development

Areas, Inc. ("RC&D")- Wastewater Treatment Assistance

Location of SEP: McLennan County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondents to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondents shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to provide low income rural homeowners with assistance to enable the repair or replacement of their failing on-site wastewater systems. SEP monies will be used to pay for the labor and materials costs related to repairing or replacing the failing systems. The recipients will not be charged for the cost of replacing or repairing the failing systems.

The Respondents certify that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by protecting water sources for drinking, recreation, and wildlife from contamination from failing treatment systems

C. Minimum Expenditure

The Respondents shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

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Cities of Waco, Woodway, Bellmead, Lacy Lakeview, Robinson and Hewitt Agreed Order - Attachment A

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondents must contribute the SEP Amount to the Third-Party Recipient. The Respondents shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc. 1716 Briarcrest Drive, Suite 510 Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondents shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondents shall mail a copy of the check and transmittal letter to:

Enforcement Division Attention: SEP Coordinator, MC 219 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondents do not perform their obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality Financial Administration Division, Revenues Attention: Cashier, MC 214 P.O. Box 13088 Austin, Texas 78711-3088

The Respondents shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondents must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

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Cities of Waco, Woodway, Bellmead, Lacy Lakeview, Robinson and Hewitt Agreed Order – Attachment A

6. Clean Texas Program

The Respondents shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondents may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondents under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

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Policy Revision 2 (Sept	Penalty Calculation	n Worksheet (P	•	n June 26, 2007
TCFQ	omad. Zeozy		1 OW Revision	1 ounc 20, 2001
DATES Assigned PCW	2-Jul-2007 25-Jul-2007	EPA Due		
RESPONDENT/FACILITY	INFORMATION	**************************************		
	Cities of Waco, Woodway, Bellmead, Lacy L	akeview, Robinson and Hev	witt	0000 mmooooo
Reg. Ent. Ref. No.	RN102097235	The second secon	*******	
Facility/Site Region		Major/Minor Source	Minor	
CASE INFORMATION				***
Enf./Case ID No.		No. of Violations	3	
	2007-1174-MWD-E	Order Type		
Media Program(s)	Water Quality	Enf. Coordinator		
Multi-Media	insid Balining and Data and Da		EnforcementTeam 1	_
Admin. Penalty \$ L	_imit Minimum \$0 Maximum	\$10,000		
	Penalty Calcula			00000000000000000000000000000000000000
TOTAL BASE PENAL	TY (Sum of violation base penaltie	(S)	Subtotal 1	\$36,000
ADJUSTMENTS (+/-)	TO SUBTOTAL 1 ned by multiplying the Total Base Penalty (Subtotal 1) by	the indicated percentage		Walliamore
Compliance Histo			otals 2, 3, & 7	\$27,720
	The Respondents self-reported nine efflue			***************************************
Notes	NOVs for same or similar violations, and o similar violations			
Culpability	No 0%	Enhancement	Subtotal 4	\$0
Notes	The Respondents do not meet the	cupability criteria.		•
Good Faith Effor	t to Comply Before NOV NOV to EDPRP/Settlement Offer	Reduction	Subtotal 5	\$9,000
Extraordinary				
Ordinary	x			ar vortisida
N/A	(mark with x)		1	deministration
Notes	The Respondents achieved compliar	nce by April 12, 2007.		000000000000000000000000000000000000000
	No.	Enhancement*	Subtotal 6	\$0
Approx.		at the Total EB \$ Amount	Subtotaro	Ψ0
SUM OF SUBTOTAL	S .1-7	· ·	Final Subtotal	\$54,720
	S JUSTICE MAY REQUIRE subtotal by the indicated percentage. (Enter number only	/; e.g30 for -30%.)	Adjustment	\$0
NI-4				www.communication.com
Notes		•		Шентент
		Final Pe	nalty Amount	\$54,720
STATUTORY LIMIT A	ADJUSTMENT	Final Asse	essed Penalty	\$54,720
DEFERRAL	· · · · · · · · · · · · · · · · · · ·	0% Reduction	Adjustment	\$0
	nalty by the indicted percentage. (Enter number only; e.g			40
Notes	No deferral is recommended for	Findings Orders.		many vimmys,th-minyl-soundain
PAYABLE PENALTY			_	\$54,720
TATABLE FEMALLI				ΨO .,. 20

Screening Date 25-Jul-2007

Docket No. 2007-1174-MWD-E

|| PCW

Respondent Cities of Waco, Woodway, Bellmead, Lacy Lakeview, Robinson and Hewitt

Policy Revision 2 (September 2002)
PCW Revision June 26, 2007

Case ID No. 34306

Reg. Ent. Reference No. RN102097235

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

Compliance History Worksheet

	Written NOVs with same or similar violations as those in the current enforcement action	15	75%
NOVs	(number of NOVs meeting criteria)	Part Mart Annual Land	
A	Other written NOVs	1.	2%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	9 (4 (4 (4 (4 (4 (4 (4 (4 (4 (4 (4 (4 (4	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission		0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	(1) (1) (1) (1) (1) (1) (1) (1) (1) (1)	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government		. , 0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audito	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)		0%
Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)		0%
	Plea	se Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
Other	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	, No	0%

		$\mathcal{L}_{\mathcal{A}} = \{ \mathbf{v} \in \mathcal{V} \mid \mathbf{v} \in \mathcal{V} \mid \mathbf{v} \in \mathcal{V} \mid \mathbf{v} \in \mathcal{V} \}$	Adjustment Percentage (Subtotal 2) 7	7%
>>	Repeat Violator (Subtota	13)	The transfer was a state of the	
	No		Adjustment Percentage (Subtotal 3))%
>>	Compliance History Pers	son Classification (Subtotal 7)		
	Average Perform	merisa deservación de la companya d	Adjustment Percentage (Subtotal 7))%
>>	Compliance History Sun	nmary	CANADA CA	
	Compliance History Notes		violations, received six NOVs for same or similar violations, ithout same or similar violations.	

35.V.55

Total Adjustment Percentage (Subtotals 2, 3, & 7) 77%

PCW	25-Jul-2007 Docket No. 2007-1174-MWD-E	Screening I	
	Cities of Waco, Woodway, Bellmead, Lacy Lakeview, Robinson and Hewitt	Respon	
evision 2 (September 2002)	Policy Re-		
CW Revision June 26, 2007		Case ID Ent. Reference	Dog I
	Water Quality		Reg. I
		Enf. Coordin	
		Violation Nu	
	Tex. Water Code § 26.121(a), Tex. Admin. Code § 305.125(4), and TPDES Permit No.	Rule C	
	WQ0011071001, Permit Conditions 2.g.	Taio o	
	Failed to prevent an unauthorized discharge of wastewater. Specifically, due to a break in a 30-inch interceptor line, more than 100,000 gallons of wastewater was discharged into a bar ditch that flows into a concrete stormwater collector that discharged into Cottonwood Creek under South 12th Street, as documented during the investigation on April 4, 2007. Sixteen dead fish and signficantly high bacteria counts were documented downstream of the point of discharge.	Violation Descri	
\$10,000	Base Penalty[
	and Human Health Matrix	onmental, Prope	> Enviror
	Harm	_	a contrara
	<u></u>	Re	OR
		Pol	OIX
			34.55
		mmatic Matrix	∙>Prograr
	n Major Moderate Minor Percent 0%	Falsific	
	Percent 0%		
	nealth or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental factors.	Matrix Hun Notes	Mariena Ma Mariena Mariena Ma Ma Ma Ma Ma Ma Ma Ma Ma Ma Ma Ma Ma
	Adjustment \$5,000	effetju karalasa Parifersi	Start Objektioner
		Sarandawii Nakaki na baril 1991	
\$5,000	L		
		Events	Violation I
	iolation Events 5 Number of violation days	Number	
\$25,000	daily x monthly Violation Base Penalty semiannual annual single event	mark or with a	
	y events are recommended from the April 2, 2007 discharge date to April 7, 2007 when cleanup and repairs were completed to achieve compliance.	Five	
Ш		L 	
	his violation Statutory Limit Test	ic Benefit (EB)	Economic
\$38,00	his violation Statutory Limit Test ed EB Amount \$66 Violation Final Penalty Total	ada e e e e e e e e e e e e e e e e e e	Economic

	RN102097235 Water Quality				en e	Percent Interest	Years of Depreciation
Violation No.	1 NAMES 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2				Ville Chargy		a 13 4050a + 1
	desperialistical	Samuel Control		Jr. 1866 aldiot.		5.0	1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	land Labade i		g-udukati	ing distribution and	andrick arision	
ar. Your or Your sugarne shall	ursan erraea Kanadha (M.D.C.PCC)	er mengemaga sasa anim disempi tinde	no oceania sandaria	e grafte yn	entrate and the pair pateur temp	Constant broken	
Delayed Costs	16000					40	Φ0
Equipment	Clevens, Unit of the Control			0.0	\$0	\$0	\$0
Buildings				0,0	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)	#07 FOF	2-Apr-2007	7-Apr-2007	0.0	\$0 \$3	\$62	\$65
Engineering/construction	\$67,525	Z-Apr-2007	, 1-Apr-2001	0.0	\$0	n/a	\$0
Land Record Keeping System		100	Communication of the second	0.0	\$0 \$0	n/a	\$0 \$0
Training/Sampling			Service Contracts	0.0	\$O	n/a	\$0
Remediation/Disposal	\$1,101	2-Apr-2007	7-Apr-2007	0.0	7.4 B.0 \$ 1	n/a	\$1
Permit Costs	Ψημοι	2 Apr 2001	INTERVENIE CONT	0:0	\$0	n/a	\$0
Other (as needed)	God of SP 2010 the Consider		Company of the Compan	0.0	\$0	∘ n/a	\$0
				بالمنط المتعرف المتعرف	aliani i Dala waniilia	nd after the break, er	aa daarimaahaa
Notes for DELAYED costs					nen cleanup and re	d is the first day of tl epairs were complete <u>s ਵਸਤਰਾਨ ਜਿਲ੍ਹਾਂ</u>	ne documented ed.
Notes for DELAYED costs Avoided Costs	ur	nauthorized dischar	ge and the final d	ate is wi	nen cleanup and re item (except for	d is the first day of the pairs were complete series were complete series were complete series were avoided c	ne documented ed. <u>1314 110 110 110 1</u> 10
N 41 P N NGIS-PROMONOMEROTIA	ur	nauthorized dischar	ge and the final d	ate is whentering	tem (except for	d is the first day of the pairs were completed as a series of the complete one-time avoided completed in \$0	ne documented ed. <u>************************************</u>
Avoided Costs Disposal Personnel	ur	nauthorized dischar	ge and the final d	entering 0.0 0,0	item (except for \$0	d is the first day of the pairs were complete serious from the avoided cone-time so \$0	ne documented ed. Notable iver sosts) \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	ur	nauthorized dischar	ge and the final d	entering 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0	d is the first day of the pairs were complete strategy for the confidence one-time avoided cone-time avoided cone-time \$0 \$0	ne documented ed. 1200 1201 1201 sosts) \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	ur	nauthorized dischar	ge and the final d	entering 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0	d is the first day of the pairs were complete the pairs were complete the pairs were complete the pairs were concluded to the pairs with the pairs with the pairs were concluded to the pairs with the pairs were considered to the pairs were complete.	ne documented ed.
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Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ur	nauthorized dischar	ge and the final d	entering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	d is the first day of the pairs were complete construction. If you construction is a second of the construction is a second of	ne documented ed.
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Suppiles/equipment Financial Assurance [2]	ur	nauthorized dischar	ge and the final d	entering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0	d is the first day of the pairs were complete entranced for one-time avoided constant \$0 \$0 \$0 \$0 \$0 \$0 \$0	ne documentered. Sosts) \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ur	nauthorized dischar	ge and the final d	entering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	d is the first day of the pairs were complete construction. If you construction is a second of the construction is a second of	ne documentered. ***Costs) ***SO

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Screening Date	25-Jul-2007	Docket No. 2007-1174-MWD-E	PCW
Respondent	Cities of Waco,	Woodway, Bellmead, Lacy Lakeview, Robinson and Hewitt	Policy Revision 2 (September 2002)
Case ID No.	34306		PCW Revision June 26, 2007
Reg. Ent. Reference No.	RN102097235		
Media [Statute]			
Enf. Coordinator	Merrilee Hupp		
Violation Number	<u> </u>		
Rule Cite(s)	30 Tex. Ad	Imin. Code § 305.125(9)(A) and TPDES Permit No. WQ00110710 Monitoring and Reporting Requirements No. 7.a.	001,
Violation Description	aware of an ui 2007. Specif	ally notify the TCEQ Waco Regional Office within 24 hours of become nauthorized discharge as documented during the investigation on ically, the Respondents became aware of the unauthorized discha April 2, 2007, but did not notify the TCEQ until 6:01 pm on April 3,	April 4, arge at
		Base	Penalty \$10,000
>> Environmental, Property a	and Human H	lealth Matrix	I
		Harm	
Release OR Actual		Moderate Minor	
Potential		Percent 0%	
>>Programmatic Matrix			
Falsification	Major	Moderate Minor	
1954 (A) 4.3000 100 (A) 5.4000	X	Percent 10%	1
en en son			
Matrix Notes		100 percent of the requirement was not met.	
		Actividade	000 02
	Baranan (Alah Perandah) (Alah I	Adjustment Adjustment	\$9,000
			\$1,000
Violation Events	Limit in the section of		
Number of Vi	olation Events	1 Number of violation days	
, rumbor or vi		T T T T T T T T T T T T T T T T T T T	,
	daily		
	monthly		
mark only one with an x	quarterly	Violation Base	Penalty \$1,000
with all X	semiannual annual		
	single event	X	
	Tennalia e l'env		
		One single event is recommended.	
<u> </u>			
Economic Benefit (EB) for th	nis violation	Statutory Limit Tes	
Estimate	d EB Amount	\$0 Violation Final Pena	Ity Total \$1,520
	loss		
1.22		This violation Final Assessed Penalty (adjusted fo	or limits) \$1,520

Rea Pat Reference No.	RN102097235					1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1	
Reg. Ent. Reference No. Media Violation No.	Water Quality					Percent Interest	Years of Depreciation
			All Market		ACCOMPANIES	5.0	15
ltem Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs	and the second	Maria Maria	angar Garagana an	nar Kastilli	The state of the s	CRID	nesit. Lini
Equipment		22 100000000000000000000000000000000000	I The Linear State of	0,0 :	\$0	\$0	\$0
Buildings				0,0	\$0	\$0	\$0
Other (as needed)			le geven produktivitet	0.0	\$0	\$0	\$0
Engineering/construction			أسترياب المحتمو	0.0	\$0	\$0	\$0
Land				0,0	\$0	n/a	\$0
Record Keeping System				0,0	\$0	n/a	\$0
Training/Sampling				0,0	\$0	n/a	\$0
Remediation/Disposal	گورنونید به ایال بازی این از در در دارد			0,0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$50	2-Apr-2007	3-Apr-2007	0.0	\$0	n/a	\$0
	- Distributions	والمساف الأفاقية والمسترين والمراجع والمراجع		ماند بداند	محاله الأسطاعة طلعه ومرا	baraa Data raquira	d is the date of
Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	in the state of th	the discha	arge and final dat	e is the c	late notification wa	harge. Date require as received. one-time avoided of \$0 \$0 \$0 \$0	
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	in the state of th	the discha	arge and final dat	e is the centering 0.0 0.0 0.0	late notification wa item (except for \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	in the state of th	the discha	arge and final dat	entering 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0	one-time avoided o	sosts) \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	in the state of th	the discha	arge and final dat	entering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	Idea notification was	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0

of Jane Agent

Screening Date	25-Jul-2007	Docket No. 2007-117	'4-MWD-E	PCW
		<i>a</i> y, Bellmead, Lacy Lakeview, Robinson a	and Hewitt Policy Re	vision 2 (September 2002)
Case ID No.	34306		PC	W Revision June 26, 2007
Reg. Ent. Reference No.	RN102097235			
Media [Statute]	Water Quality	*		
Enf. Coordinator	Merrilee Hupp			
Violation Number				
Rule Cite(s)	Tex. Water Code § 26	i.121(a), Tex. Admin. Code § 305.125(4),	and TPDES Permit No.	
		WQ0011071001, Permit Conditions 2.g.		
Violation Description	construction activities were released from the conveyance which flow low water dam, as do were documented at milliliters ["MPN/100	an unauthorized discharge of wastewater. at the Transfer lift station, about 5,000,00 a manhole onto a field outside the lift static ws into the Brazos River through a culvert ocumented on April 11, 2007. Significantly the point of discharge (483,834 Most Prol mL"]) and downstream (1,842 MPN/100 mL to concentrations of 242 MPN/100 mL to	0 gallons of wastewater on and into a stormwater below the Lake Brazos y high bacteria counts pable Number per 100 nL) from the discharge	
			Base Penalty	\$10,000
>> Environmental, Property a	and Human Health	Matrix	Control of the second	-
AND AND DESCRIPTION OF THE PARTY OF T	Harm		ALLEGE BLACK BLACK	
Release		te Minor		
OR Actual	X			
Potential Potential		Percent	50%	
Specific States				
>>Programmatic Matrix	ACCUPATION STATE OF THE SEC	SERVICE OF THE PROPERTY OF THE	entre sur restante	
Falsification	Major Modera	7	00/	
gegles###		Percent	0%	
Arrest soft				
Matrix Notes		t has been exposed to pollutants which ex f human health or environmental factors.	ceed levels that are	
		Aut. 4	nt \$5,000	AND
		Adjustmer	11 \$5,000	
				\$5,000
			1	
Violation Events	osand Die Geberg (Sansa Heiner Indexa). Gebeure der Geberg (Sansa Heiner Indexa)		rterioris de la companya de la comp	
Number of Vi	olation Events 2	Number	of violation days	
	Birth State Was in the			
	daily <u>x</u>			A CONTRACTOR OF THE CONTRACTOR
mark only one	monthly quarterly		Violation Base Penalty	\$10,000
with an x	semiannual		Violation base remaity	Ψ10,000
	annual			
	single event			U :
		·		
		from the April 10, 2007 discharge date to was cleaned up to achieve compliance on		
Economic Benefit (EB) for th	nis violation	Statuto	ory Limit Test	
Estimate	ed EB Amount	\$3 Viola	tion Final Penalty Total	\$15,200
A STATE OF THE STREET, STATE OF THE STATE OF		This violation Final Assessed Pena	Ity (adjusted for limits)	\$15,200 (13,105, 79,104, 19,104, 19,104, 19,104, 19,104, 19,104, 19,104, 19,104, 19,104, 19,104, 19,104, 19,104, 19,104

Violation No.	Water Quality 3					Percent Interest	Years of Depreciation
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs Equipment	\$2,013	10-Apr-2007	12-Apr-2007	0.0	\$0	\$1	\$1
Equipment Buildings	ΦΖ,013	10-7501-2007	12-7701-2001	0,0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$3,993	10-Apr-2007	12-Apr-2007	0.0	\$0	\$1	\$2
Land	ΨΟΙΟΟΟ			0.0	\$0	n/a	\$0
Record Keeping System	trine ou			0.0	(10.0\$0)	n/a	\$0
Training/Sampling	\$300	10-Apr-2007	12-Apr-2007	(, 0.0)	\$0	n/a	\$0
Remediation/Disposal	\$1,000	10-Apr-2007	12-Apr-2007	0.0.	30 \$0	i i i i n/a	\$0
Permit Costs	Printer Commence	THE STATE OF STREET	rijani i meses berinda Sinaa	0.0	\$0	n/a	\$0
Other (as needed)	Production of the second	CONFORMATIVE CONTRACTOR		0.0	\$0	n/a I unit to ensure con	\$0
	during constr	uction activities, ad	ditional alarms ar	d the as	sociated wiring to	ensure staff is awar	e of equipment
Notes for DELAYED costs	malfunctions reberms, sam	esulting in unautho pling, and clean up	rized discharges, of litter and other	abor and materia wastewa	d chemicals to disi il associated with t iter.	nfect affected areas ne unauthorized dis	e of equipment s, construction c charge of raw
Notes for DELAYED costs Avoided Costs	malfunctions reberms, sam	esulting in unautho pling, and clean up	rized discharges, of litter and other	labor and materia wastewa entering	d chemicals to disi al associated with the ter. I item (except for	nfect affected areas ne unauthorized dis one-time avoided	re of equipment s, construction c charge of raw !
Avoided Costs	malfunctions reberms, sam	esulting in unautho pling, and clean up	rized discharges, of litter and other	labor and materia wastewa entering 0.0	d chemicals to disi al associated with the ater. Item (except for \$0	nfect affected areas ne unauthorized dis one-time avoided \$0	e of equipment s, construction c charge of raw costs) \$0
Avoided Costs Disposal Personnel	malfunctions reberms, sam	esulting in unautho pling, and clean up	rized discharges, of litter and other	labor and material wastewartering 0.0 0.0	d chemicals to disi associated with the ster. Item (except for \$0 \$0	nfect affected areas ne unauthorized dis one-time avoided \$0 \$0	e of equipments, construction coharge of raw costs)
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	malfunctions reberms, sam	esulting in unautho pling, and clean up	rized discharges, of litter and other	abor and material wastewarentering 0.0 0.0 0.0	d chemicals to disi associated with the ter. item (except for \$0 \$0	nfect affected areas ne unauthorized dis one-time avoided \$0 \$0 \$0	e of equipment s, construction c charge of raw costs) \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	malfunctions reberms, sam	esulting in unautho pling, and clean up	rized discharges, of litter and other	abor and material wastewartering 0.0 0.0 0.0 0.0 0.0	d chemicals to disial associated with the distriction of the districti	nfect affected areas ne unauthorized dis one-time avoided \$0 \$0 \$0	e of equipment s, construction c charge of raw costs) \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	malfunctions reberms, sam	esulting in unautho pling, and clean up	rized discharges, of litter and other	labor and material wastewa entering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	d chemicals to disi associated with the control of	nfect affected areas ne unauthorized dis one-time avoided \$0 \$0 \$0 \$0 \$0	costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	malfunctions reberms, sam	esulting in unautho pling, and clean up	rized discharges, of litter and other	labor and material wastewarentering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	d chemicals to disi associated with the distriction of the distriction	nfect affected areas ne unauthorized dis one-time avoided \$0 \$0 \$0	costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	malfunctions reberms, sam	esulting in unautho pling, and clean up	rized discharges, of litter and other	labor and material wastewa entering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	d chemicals to disi associated with the control of	nfect affected areas ne unauthorized dis one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0	costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	malfunctions reberms, sam	esulting in unautho pling, and clean up	rized discharges, of litter and other ed costs before	abor and material wastewa entering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	d chemicals to disi associated with the distriction of the distriction	nfect affected areas ne unauthorized dis one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Compliance History Customer/Respondent/Owner-Operator: CN600343842 City of Woodway Classification: AVERAGE Rating: 1.98 Regulated Entity: RN102097235 WACO METROPOLITAN AREA Classification: AVERAGE Site Rating: 0.88 REGIONAL SEWERAGE SYSTEM WMARSS ID Number(s): WASTEWATER PERMIT WQ0011071001 WASTEWATER **PERMIT** TPDES0026506 **PRETREATMENT EPA ID** TX0026506000 PRETREATMENT **PERMIT** WQ0011071001 WASTEWATER LICENSING LICENSE WQ0011071001 **STORMWATER** PERMIT TXR05K811 SW bank of Brazos R., approx. 4.5 miles dwnstrm from crossing Location: Rating Date: September 01 06 Repeat Violator: NO of I35 and Brazos R., McLennan Co. TCEQ Region: REGION 09 - WACO Date Compliance History Prepared: July 17, 2007 Agency Decision Requiring Compliance History: Enforcement Compliance Period: July 17, 2002 to July 17, 2007 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History Name: Merrilee G. Hupp 512-239-4490 Phone: Site Compliance History Components 1. Has the site been in existence and/or operation for the full five year compliance period? Yes 2. Has there been a (known) change in ownership of the site during the compliance period? Yes 3. If Yes, who is the current owner? City of Waco City of Woodway City of Bellmead City of Lacy Lakeview City of Robinson City of Hewitt 4. if Yes, who was/were the prior owner(s)? Brazos River Authority Waco, Woodway, Bellmead, Lacy Lakeview, Robinson 5. When did the change(s) in ownership occur? 02/20/2004 05/14/2004 Components (Multimedia) for the Site: Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. Any criminal convictions of the state of Texas and the federal government. C. Chronic excessive emissions events. The approval dates of investigations. (CCEDS Inv. Track. No.) D. 1 07/18/2002 (174010)

2 08/15/2002

3 09/19/2002

4 10/14/2002

5 11/14/2002

6 12/18/2002

7 01/17/2003

(174014)

(174017)

(174020)

(174024)

(174028)

(174032)

8 02/13/2003	(173989)
9 03/14/2003	(173992)
10 04/21/2003	(173997)
11 04/28/2003	(24697)
12 04/29/2003	(27426)
13 05/20/2003	(174002)
14 06/16/2003	(174006)
15 07/17/2003	(174011)
16 08/19/2003	(302070)
17 09/03/2003	(302066)
18 09/16/2003	(302068)
19 10/08/2003	(249832)
20 11/18/2003	(302071)
21 12/18/2003	(302072)
22 01/21/2004	(302073)
23 02/23/2004	(302055)
24 03/22/2004	(302058)
25 04/12/2004	(302059)
26 05/04/2004	(267718)
27 05/05/2004	(302064)
28 05/13/2004	(302061)
29 07/02/2004	(261916)
30 07/02/2004	(354777)
31 08/02/2004	(276939)
32 09/29/2004	(370970)
33 10/05/2004	(354778)
34 10/05/2004	(354780)
35 10/05/2004	(354782)
36 10/18/2004	(337554)
37 11/12/2004	(339547)
38 11/16/2004	(383341)
39 11/18/2004	(354781)
40 12/01/2004	(354779)
41 12/14/2004	(383342)
42 01/17/2005 43 03/18/2005	(471050) (277864)
44 03/21/2005	(383340)
45 04/06/2005	(373078)
46 04/18/2005	(430208)
47 05/12/2005	(430209)
48 05/18/2005	(338055)
49 06/06/2005	(430211)
50 06/15/2005	(430210)
51 08/22/2005	(442148)
52 09/23/2005	(442149)
53 11/28/2005	(471051)
54 12/15/2005 55 12/27/2005	(419151) (471052)
56 01/24/2006	(471053)
57 01/26/2006	(436581)
58 02/24/2006	(471046)
59 03/13/2006	(471048)
60 03/13/2006	(471049)
61 03/22/2006	(471047)
62 05/09/2006	(462691)
63 05/22/2006	(464300)
64 05/24/2006	(466829)
65 05/24/2006	(499905)
66 05/31/2006	(466811)
67 05/31/2006	(466826)
68 06/21/2006 69 07/24/2006	(499906) (482574)
69 07/24/2006 70 08/23/2006	(497599)
70 08/23/2006	(521997)
72 09/11/2006	(521998)
73 09/19/2006	(530990)
74 11/09/2006	(513711)
75 11/10/2006	(546661)
76 12/27/2006	(546660)

 $\frac{\partial u}{\partial x} = \frac{\partial u}{\partial x} + \frac{\partial u}{\partial x} +$

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77 01/23/2007
                             (546657)
       78 01/23/2007
                             (546658)
       79
           02/15/2007
                             (553690)
       80 02/27/2007
                             (546659)
       81 05/14/2007
                             (559580)
       82 06/28/2007
                             (557219)
       83 06/28/2007
                             (557220)
       84 07/10/2007
                             (566470)
Written notices of violations (NOV). (CCEDS Inv. Track. No.)
         Date: 11/30/2002
                                  (174028)
                                                                                Classification:
                                                                                                        Moderate
         Self Report?
         Citation:
                             30 TAC Chapter 305, SubChapter F 305.125(1)
                             TWC Chapter 26 26.121(a)[G]
         Description:
                             Failure to meet the limit for one or more permit parameter
         Date: 02/14/2003
                                  (18325)
                                                                                                        Minor
         Self Report?
                                                                                Classification:
         Citation:
                             TWC Chapter 26 26.121(a)(1)
         Description:
                             Failure to prevent an unauthorized discharge.
         Self Report?
                                                                                Classification:
                                                                                                        Minor
         Citation:
                             TWC Chapter 26 26.039
         Description:
                             Failure to report an unauthorized discharge from the treatment plant.
                12/31/2003
                                  (302073)
         Date:
                                                                                Classification:
                                                                                                         Moderate
          Self Report?
                             30 TAC Chapter 305, SubChapter F 305.125(1)
          Citation:
                              TWC Chapter 26 26.121(a)[G]
                             Failure to meet the limit for one or more permit parameter
          Description:
          Date: 07/29/2004
                                  (276939)
          Self Report?
                         NO
                                                                                Classification:
                                                                                                         Moderate
          Citation:
                             2D TWC Chapter 26, SubChapter A 26.121(a)(1)
                             30 TAC Chapter 305, SubChapter F 305.125(1)
          Rgmt Prov:
                             PERMIT TPDES Permit No. 11071-001
                             Failure to prevent an unauthorized discharge of wastewater.
          Description:
                                                                                Classification:
                                                                                                         Moderate
          Self Report?
                          NO
          Citation:
                              2D TWC Chapter 26, SubChapter A 26.121(a)(1)
                              30 TAC Chapter 305, SubChapter F 305.125(1)
          Rqmt Prov:
                              PERMIT TPDES Permit No. 11071-001
          Description:
                              Failure to prevent an unauthorized discharge of wastewater.
                          NO
                                                                                Classification:
                                                                                                         Moderate
          Self Report?
          Citation:
                              30 TAC Chapter 319, SubChapter C 319.302(c)
                              Failure to provide public notice of discharge from wastewater facility.
          Description:
          Date: 08/31/2004
                                   (354779)
                                                                                Classification:
                                                                                                         Moderate
          Self Report?
                          YES
          Citation:
                              30 TAC Chapter 305, SubChapter F 305.125(1)
                              TWC Chapter 26 26.121(a)[G]
                              Failure to meet the limit for one or more permit parameter
          Description:
          Date: 09/29/2004
                                   (370970)
          Self Report?
                                                                                Classification:
                                                                                                         Moderate
          Citation:
                              30 TAC Chapter 305, SubChapter F 305.125(1)
                              30 TAC Chapter 305, SubChapter F 305.125(17)
          Description:
                              NON-RPT VIOS FOR MONIT PER OR PIPE
                 10/31/2004
                                   (383341)
          Date:
                                                                                Classification:
                                                                                                         Moderate
          Self Report?
                              30 TAC Chapter 305, SubChapter F 305.125(1)
          Citation:
                              TWC Chapter 26 26.121(a)[G]
          Description:
                              Failure to meet the limit for one or more permit parameter
          Date: 11/30/2004
                                                                                Classification:
                                                                                                         Moderate
          Self Report?
                              30 TAC Chapter 305, SubChapter F 305.125(1)
          Citation:
                              TWC Chapter 26 26.121(a)[G]
          Description:
                              Failure to meet the limit for one or more permit parameter
          Date: 10/31/2005
                                   (471051)
```

Ε.

Self Report? NO Classification: Moderate

30 TAC Chapter 305, SubChapter F 305.125(1)

Failure to meet the limit for one or more permit parameter

TWC Chapter 26 26.121(a)[G]

(436581)

Classification:

Moderate

Self Report?

Description:

Date: 01/26/2006

Citation:

Citation:

TWC Chapter 26 26.121(a)(1)

Description:

Failure by the permittee to prevent the discharge of wastewater into or adjacent to water in

Classification:

the state without authorization from the Commission.

Self Report?

NO

30 TAC Chapter 305, SubChapter F 305.125(9)[G]

Citation:

Failure by the permittee to orally notify the TCEQ of an unauthorized discharge within 24 Description:

hours and provide written notification within 5 days of becoming aware of the

noncompliance.

NO Self Report?

Classification:

2D TWC Chapter 26, SubChapter A 26.121(a)(1)

Description:

Failure by the permittee to prevent the discharge of wastewater into or adjacent to water in

the state without authorization from the Commission.

Date: 07/31/2006

Self Report? YES (521997)

Classification:

Moderate

Moderate

Moderate

Moderate

Moderate

Citation:

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Date: 09/19/2006

(530990)

Self Report?

NO

30 TAC Chapter 305, SubChapter F 305.125(1)

Citation:

Citation:

30 TAC Chapter 305, SubChapter F 305.125(17) NON-RPT VIOS FOR MONIT PER OR PIPE

Description:

(546658)

09/30/2006 Date: Self Report?

30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Date: 11/30/2006

(546660)

Self Report?

YES

Classification:

Classification:

Classification:

Classification:

Moderate

Moderate

Minor

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Date: 02/15/2007 Failure to meet the limit for one or more permit parameter (553690)

Self Report?

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(17) NON-RPT VIOS FOR MONIT PER OR PIPE

Description: Date: 05/14/2007

(559580)

Self Report?

Classification:

Citation:

40 CFR Chapter 403, SubChapter N, PT 403 403.8(f)(2)

Description:

Failure to maintain records of industrial user permit applications.

Environmental audits.

N/A

Type of environmental management systems (EMSs). G.

N/A

Voluntary on-site compliance assessment dates. Η.

Participation in a voluntary pollution reduction program.

N/A

Early compliance.

Sites Outside of Texas

N/A

Compliance History

CN600131940 Customer/Respondent/Owner-Operator: City of Waco Classification: AVERAGE Rating: 3.46 RN102097235 WACO METROPOLITAN AREA Classification: AVERAGE Site Rating: 0.88 Regulated Entity: REGIONAL SEWERAGE SYSTEM WMARSS ID Number(s): WASTEWATER PERMIT WQ0011071001 WASTEWATER **PERMIT** TPDES0026506 PRETREATMENT EPA ID TX0026506000 PERMIT WQ0011071001 PRETREATMENT WASTEWATER LICENSING LICENSE WQ0011071001 **STORMWATER PERMIT** TXR05K811 Location: SW bank of Brazos R., approx. 4.5 miles dwnstrm from Rating Date: September 01 06 Repeat Violator: NO crossing of I35 and Brazos R., McLennan Co. **REGION 09 - WACO** TCEQ Region: Date Compliance History Prepared: July 17, 2007 Agency Decision Requiring Compliance History: Enforcement July 17, 2002 to July 17, 2007 Compliance Period: TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History Name: Merrilee G. Hupp Phone: 512-239-4490 **Site Compliance History Components** 1. Has the site been in existence and/or operation for the full five year compliance period? Yes 2. Has there been a (known) change in ownership of the site during the compliance period? Yes 3. If Yes, who is the current owner? City of Waco City of Woodway City of Bellmead City of Lacy Lakeview City of Robinson City of Hewitt Brazos River Authority 4. if Yes, who was/were the prior owner(s)? Waco, Woodway, Bellmead, Lacy Lakeview, Robinson 5. When did the change(s) in ownership occur? 02/20/2004 05/14/2004 Components (Multimedia) for the Site: Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. Any criminal convictions of the state of Texas and the federal government. В. Chronic excessive emissions events. C. D. The approval dates of investigations. (CCEDS Inv. Track. No.) 1 07/18/2002 (174010)2 08/15/2002 (174014)3 09/19/2002 (174017)4 10/14/2002 (174020)

5 11/14/2002

6 12/18/2002

7 01/17/2003

8 02/13/2003

9 03/14/2003

(174024)

(174028)

(174032)

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67 05/31/2006 (466826) 68 06/21/2006 (499906) 69 07/24/2006 (482574) 70 08/23/2006 (497599) 71 08/29/2006 (521997) 72 09/11/2006 (521998) 73 09/19/2006 (530990) 74 11/09/2006 (513711) 75 11/10/2006 (546661) 76 12/27/2006 (546660) 77 01/23/2007 (546657)			•	
68 06/21/2006 (499906) 69 07/24/2006 (482574) 70 08/23/2006 (497599) 71 08/29/2006 (521997) 72 09/11/2006 (521998) 73 09/19/2006 (530990) 74 11/09/2006 (513711) 75 11/10/2006 (546661) 76 12/27/2006 (546660) 77 01/23/2007 (546657)				
69 07/24/2006 (482574) 70 08/23/2006 (497599) 71 08/29/2006 (521997) 72 09/11/2006 (521998) 73 09/19/2006 (530990) 74 11/09/2006 (513711) 75 11/10/2006 (546661) 76 12/27/2006 (546660) 77 01/23/2007 (546657)			• •	
70 08/23/2006 (497599) 71 08/29/2006 (521997) 72 09/11/2006 (521998) 73 09/19/2006 (530990) 74 11/09/2006 (513711) 75 11/10/2006 (546661) 76 12/27/2006 (546660) 77 01/23/2007 (546657)				
71 08/29/2006 (521997) 72 09/11/2006 (521998) 73 09/19/2006 (530990) 74 11/09/2006 (513711) 75 11/10/2006 (546661) 76 12/27/2006 (546660) 77 01/23/2007 (546657)	69	07/24/2006	(482574)	
71 08/29/2006 (521997) 72 09/11/2006 (521998) 73 09/19/2006 (530990) 74 11/09/2006 (513711) 75 11/10/2006 (546661) 76 12/27/2006 (546660) 77 01/23/2007 (546657)	70	08/23/2006	(497599)	
72 09/11/2006 (521998) 73 09/19/2006 (530990) 74 11/09/2006 (513711) 75 11/10/2006 (546661) 76 12/27/2006 (546660) 77 01/23/2007 (546657)		08/29/2006	(521997)	
73 09/19/2006 (530990) 74 11/09/2006 (513711) 75 11/10/2006 (546661) 76 12/27/2006 (546660) 77 01/23/2007 (546657)				
74 11/09/2006 (513711) 75 11/10/2006 (546661) 76 12/27/2006 (546660) 77 01/23/2007 (546657)				
75 11/10/2006 (546661) 76 12/27/2006 (546660) 77 01/23/2007 (546657)			• •	
76 12/27/2006 (546660) 77 01/23/2007 (546657)	74		• •	
77 01/23/2007 (546657)	75	11/10/2006	(546661)	
77 01/23/2007 (546657)	76	12/27/2006	(546660)	
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79 02/15/2007
                             (553690)
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       81 05/14/2007
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       82 06/28/2007
                             (557219)
       83 06/28/2007
                             (557220)
       84 07/10/2007
                             (566470)
Written notices of violations (NOV). (CCEDS Inv. Track. No.)
         Date: 11/30/2002
                                  (174028)
         Self Report?
                         YES
         Citation:
                             30 TAC Chapter 305, SubChapter F 305.125(1)
                             TWC Chapter 26 26.121(a)[G]
         Description:
                             Failure to meet the limit for one or more permit parameter
         Date: 02/14/2003
                                  (18325)
         Self Report?
         Citation:
                             TWC Chapter 26 26.121(a)(1)
         Description:
                             Failure to prevent an unauthorized discharge.
         Self Report?
                         NO
         Citation:
                             TWC Chapter 26 26.039
         Description:
         Date: 12/31/2003
                                  (302073)
         Self Report?
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Failure to report an unauthorized discharge from the treatment plant.

Classification: Moderate

Classification:

Classification:

Classification:

Moderate

Minor

Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 07/29/2004 (276939)

E.

Self Report? Classification: Moderate

2D TWC Chapter 26, SubChapter A 26.121(a)(1) Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rgmt Prov: PERMIT TPDES Permit No. 11071-001

Description: Failure to prevent an unauthorized discharge of wastewater.

Self Report? NO Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1) 30 TAC Chapter 305, SubChapter F 305.125(1)

Rgmt Prov: PERMIT TPDES Permit No. 11071-001 Description: Failure to prevent an unauthorized discharge of wastewater.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 319, SubChapter C 319.302(c)

Description: Failure to provide public notice of discharge from wastewater facility.

Date: 08/31/2004 (354779)

Self Report? Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 09/29/2004 (370970)

Self Report? Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)

NON-RPT VIOS FOR MONIT PER OR PIPE

Description: Date: 10/31/2004

(383341)

Self Report? Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2004 (383342)

Self Report? Classification: Moderate

30 TAC Chapter 305, SubChapter F 305.125(1) Citation:

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2005 (471051)

Self Report? Classification: Moderate

30 TAC Chapter 305, SubChapter F 305.125(1) Citation:

TWC Chapter 26 26.121(a)[G]

Failure to meet the limit for one or more permit parameter Description:

Date: 01/26/2006 (436581)

Self Report? Classification: Moderate

Citation: TWC Chapter 26 26.121(a)(1)

Description: Failure by the permittee to prevent the discharge of wastewater into or adjacent to water in the state without authorization from the Commission.

Self Report?

NO

Classification:

Classification:

Classification:

Citation:

30 TAC Chapter 305, SubChapter F 305.125(9)[G]

Description:

Failure by the permittee to orally notify the TCEQ of an unauthorized discharge within 24 hours and provide written notification within 5 days of becoming aware of

the noncompliance.

Self Report?

NO

2D TWC Chapter 26, SubChapter A 26.121(a)(1)

Citation: Description:

Citation:

Citation:

Failure by the permittee to prevent the discharge of wastewater into or adjacent to

water in the state without authorization from the Commission. (521997)

Date: 07/31/2006

Self Report?

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Failure to meet the limit for one or more permit parameter

Description:

Date: 09/19/2006 (530990)

NO Self Report?

Classification:

Moderate

Moderate

Moderate

Moderate

Description:

30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17) NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 09/30/2006

(546658)

Self Report? Citation:

YES

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

TWC Chapter 26 26.121(a)[G] Failure to meet the limit for one or more permit parameter

Date: 11/30/2006 (546660)

Self Report?

YES

Classification:

Classification:

Classification:

Classification:

Moderate

Moderate

Minor

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Failure to meet the limit for one or more permit parameter Description:

(553690) Date: 02/15/2007

Self Report? NO

30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(17) NON-RPT VIOS FOR MONIT PER OR PIPE

Description:

Date: 05/14/2007

(559580)

Self Report?

40 CFR Chapter 403, SubChapter N, PT 403 403.8(f)(2)

Citation: Description:

Citation:

Failure to maintain records of industrial user permit applications.

Environmental audits. F.

N/A

Type of environmental management systems (EMSs). G.

Voluntary on-site compliance assessment dates. Н.

Participation in a voluntary pollution reduction program. 1.

N/A

Early compliance. J.

N/A

Sites Outside of Texas

N/A

Compliance History Customer/Respondent/Owner-Operator: CN600637987 City of Lacy Lakeview Classification: AVERAGE Rating: 0.29 Regulated Entity: RN102097235 WACO METROPOLITAN AREA Classification: AVERAGE Site Rating: 0.88 REGIONAL SEWERAGE SYSTEM WMARSS ID Number(s): WASTEWATER **PERMIT** WQ0011071001 WASTEWATER **PERMIT** TPDES0026506 PRETREATMENT EPA ID TX0026506000 PRETREATMENT PERMIT WQ0011071001 WASTEWATER LICENSING LICENSE WQ0011071001 STORMWATER **PERMIT** TXR05K811 Location: SW bank of Brazos R., approx. 4.5 miles dwnstrm from Rating Date: September 01 06 Repeat Violator: NO crossing of I35 and Brazos R., McLennan Co. **REGION 09 - WACO** TCEQ Region: Date Compliance History Prepared: July 17, 2007 Agency Decision Requiring Compliance History: Enforcement Compliance Period: July 17, 2002 to July 17, 2007 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History Name: Merrilee G. Hupp Phone: 512-239-4490 Site Compliance History Components 1. Has the site been in existence and/or operation for the full five year compliance period? 2. Has there been a (known) change in ownership of the site during the compliance period? Yes 3. If Yes, who is the current owner? City of Waco City of Woodway City of Bellmead City of Lacy Lakeview City of Robinson City of Hewitt 4. if Yes, who was/were the prior owner(s)? Brazos River Authority Waco, Woodway, Bellmead, Lacy Lakeview, Robinson 5. When did the change(s) in ownership occur? 02/20/2004 05/14/2004 Components (Multimedia) for the Site: Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. N/A В. Any criminal convictions of the state of Texas and the federal government. Chronic excessive emissions events. C. N/A The approval dates of investigations. (CCEDS Inv. Track. No.) D. 1 07/18/2002 (174010)2 08/15/2002 (174014)3 09/19/2002 (174017)

4 10/14/2002

5 11/14/2002

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11 04/28/2003	(24697)	
12 04/29/2003	(27426)	
13 05/20/2003	(174002)	
14 06/16/2003	(174006)	
15 07/17/2003	(174011)	
16 08/19/2003	(302070)	
17 09/03/2003	(302066)	
18 09/16/2003	(302068)	
19 10/08/2003	(249832)	
20 11/18/2003	(302071)	
21 12/18/2003	(302072)	
22 01/21/2004	(302073)	
23 02/23/2004	(302055)	
24 03/22/2004	(302058)	
25 04/12/2004	(302059)	
26 05/04/2004	(267718)	
27 05/05/2004	(302064)	
28 05/13/2004	(302061)	
29 07/02/2004	(261916)	
30 07/02/2004	(354777)	
31 08/02/2004	(276939)	
32 09/29/2004	(370970)	
33 10/05/2004	(354778)	
34 10/05/2004	(354780)	
35 10/05/2004	(354782)	
36 10/18/2004 37 11/12/2004	(337554)	
37 11/12/2004 38 11/16/2004	(339547) (383341)	
39 11/18/2004	(354781)	
40 12/01/2004	(354779)	
41 12/14/2004	(383342)	
42 01/17/2005	(471050)	
43 03/18/2005	(277864)	
44 03/21/2005	(383340)	
45 04/06/2005	(373078)	
46 04/18/2005	(430208)	and the second
47 05/12/2005	(430209)	Little For Skill
48 05/18/2005	(338055)	A Lagrandia (Light
49 06/06/2005	(430211)	
50 06/15/2005 51 08/22/2005	(430210) (442148)	A Company of the Comp
52 09/23/2005	(442149)	
53 11/28/2005	(471051)	
54 12/15/2005	(419151)	ALWAYS STATE
55 12/27/2005	(471052)	
56 01/24/2006	(471053)	100
57 01/26/2006	(436581)	(1. KD - 1. K)
58 02/24/2006	(471046)	
59 03/13/2006	(471048)	
60 03/13/2006	(471049)	
61 03/22/2006	(471047)	
62 05/09/2006	(462691)	
63 05/22/2006	(464300)	
64 05/24/2006	(466829) (499905)	
65 05/24/2006 66 05/31/2006	(466811)	
67 05/31/2006	(466826)	
68 06/21/2006	(499906)	
69 07/24/2006	(482574)	
70 08/23/2006	(497599)	
71 08/29/2006	(521997)	
72 09/11/2006	(521998)	
73 09/19/2006	(530990)	
74 11/09/2006	(513711)	
75 11/10/2006	(546661)	
76 12/27/2006	(546660)	
77 01/23/2007	(546657)	
78 01/23/2007	(546658)	
79 02/15/2007	(553690)	

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80 02/27/2007 (546659) 81 05/14/2007 (559580)(557219) 82 06/28/2007 83 06/28/2007 (557220)84 07/10/2007 (566470)

Ε. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 11/30/2002

Citation:

Self Report? Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]

(174028)

Failure to meet the limit for one or more permit parameter Description:

Date: 02/14/2003 (18325)

Self Report? Classification: Minor

TWC Chapter 26 26.121(a)(1) Failure to prevent an unauthorized discharge. Description:

Classification: Minor Self Report? NO

TWC Chapter 26 26.039 Citation:

Description: Failure to report an unauthorized discharge from the treatment plant.

Date: 12/31/2003

Self Report? Classification: Moderate

30 TAC Chapter 305, SubChapter F 305.125(1) Citation: TWC Chapter 26 26.121(a)[G]

Failure to meet the limit for one or more permit parameter Description:

Date: 07/29/2004 (276939)

Classification: Moderate Self Report?

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1) 30 TAC Chapter 305, SubChapter F 305.125(1)

PERMIT TPDES Permit No. 11071-001

Rgmt Prov:

Description: Failure to prevent an unauthorized discharge of wastewater.

Classification: Moderate Self Report? NO

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1) 30 TAC Chapter 305, SubChapter F 305.125(1)

Rgmt Prov: PERMIT TPDES Permit No. 11071-001

Description: Failure to prevent an unauthorized discharge of wastewater.

Self Report? NC Classification: Moderate

30 TAC Chapter 319, SubChapter C 319.302(c) Citation:

Failure to provide public notice of discharge from wastewater facility. Description:

Date: 08/31/2004 (354779)

Self Report? Classification: Moderate YES

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]

Failure to meet the limit for one or more permit parameter Description:

Date: 09/29/2004 (370970)

Classification: Moderate Self Report?

30 TAC Chapter 305, SubChapter F 305.125(1) Citation:

30 TAC Chapter 305, SubChapter F 305.125(17)

NON-RPT VIOS FOR MONIT PER OR PIPE Description:

Date: 10/31/2004 (383341)

Classification: Self Report? Moderate

30 TAC Chapter 305, SubChapter F 305.125(1) Citation:

TWC Chapter 26 26.121(a)[G] Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2004 (383342)

Self Report? Classification: Moderate

30 TAC Chapter 305, SubChapter F 305.125(1) Citation:

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2005 (471051)

Self Report? Classification: Moderate

30 TAC Chapter 305, SubChapter F 305.125(1) Citation:

TWC Chapter 26 26.121(a)[G]

Failure to meet the limit for one or more permit parameter Description:

Date: 01/26/2006 (436581)

Self Report? Classification: Moderate

TWC Chapter 26 26.121(a)(1) Citation:

Failure by the permittee to prevent the discharge of wastewater into or adjacent to Description:

water in the state without authorization from the Commission.

Classification: Moderate Self Report? NO 30 TAC Chapter 305, SubChapter F 305.125(9)[G] Citation: Failure by the permittee to orally notify the TCEQ of an unauthorized discharge Description: within 24 hours and provide written notification within 5 days of becoming aware of the noncompliance. Classification: Self Report? NO 2D TWC Chapter 26, SubChapter A 26.121(a)(1) Citation: Failure by the permittee to prevent the discharge of wastewater into or adjacent to Description: water in the state without authorization from the Commission. Date: 07/31/2006 (521997)Classification: Self Report? Moderate 30 TAC Chapter 305, SubChapter F 305.125(1) Citation: TWC Chapter 26 26.121(a)[G] Failure to meet the limit for one or more permit parameter Description: Date: 09/19/2006 (530990)Classification: Moderate NO Self Report? 30 TAC Chapter 305, SubChapter F 305.125(1) Citation: 30 TAC Chapter 305, SubChapter F 305.125(17) NON-RPT VIOS FOR MONIT PER OR PIPE Description: (546658) Date: 09/30/2006 Self Report? Classification: Moderate YES 30 TAC Chapter 305, SubChapter F 305.125(1) Citation: TWC Chapter 26 26.121(a)[G] Failure to meet the limit for one or more permit parameter Description: Date: 11/30/2006 (546660)Classification: Moderate Self Report? 30 TAC Chapter 305, SubChapter F 305.125(1) Citation: TWC Chapter 26 26.121(a)[G] Failure to meet the limit for one or more permit parameter Description: (553690)Date: 02/15/2007

NO

Classification: Moderate Self Report? 30 TAC Chapter 305, SubChapter F 305.125(1) Citation:

Classification:

Minor

30 TAC Chapter 305, SubChapter F 305.125(17)

NON-RPT VIOS FOR MONIT PER OR PIPE Description:

Date: 05/14/2007 (559580)

40 CFR Chapter 403, SubChapter N, PT 403 403.8(f)(2) Citation;

Description: Failure to maintain records of industrial user permit applications.

Environmental audits.

Self Report?

N/A

Type of environmental management systems (EMSs).

Voluntary on-site compliance assessment dates.

Η.

Participation in a voluntary pollution reduction program.

J. Early compliance.

N/A

Sites Outside of Texas

N/A

G.

Compliance History Customer/Respondent/Owner-Operator: CN600516181 City of Bellmead Classification: AVERAGE Rating: 1.29 Regulated Entity: WACO METROPOLITAN AREA RN102097235 Classification: AVERAGE Site Rating: 0.88 REGIONAL SEWERAGE SYSTEM WMARSS ID Number(s): WASTEWATER PERMIT WQ0011071001 WASTEWATER PERMIT TPDES0026506 **PRETREATMENT** EPA ID TX0026506000 PRETREATMENT **PERMIT** WQ0011071001 WASTEWATER LICENSING LICENSE WQ0011071001 **STORMWATER PERMIT** TXR05K811 Location: SW bank of Brazos R., approx. 4.5 miles dwnstrm from Rating Date: September 01 06 Repeat Violator: NO crossing of I35 and Brazos R., McLennan Co. TCEQ Region: **REGION 09 - WACO** Date Compliance History Prepared: July 17, 2007 Agency Decision Requiring Compliance History: Enforcement Compliance Period: July 17, 2002 to July 17, 2007 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History Name: Merrilee G. Hupp Phone: 512-239-4490 **Site Compliance History Components** 1. Has the site been in existence and/or operation for the full five year compliance period? 2. Has there been a (known) change in ownership of the site during the compliance period? Yes 3. If Yes, who is the current owner? City of Waco City of Woodway City of Bellmead City of Lacy Lakeview City of Robinson City of Hewitt Brazos River Authority 4. if Yes, who was/were the prior owner(s)? Waco, Woodway, Bellmead, Lacy Lakeview, Robinson 5. When did the change(s) in ownership occur? 02/20/2004 05/14/2004 Components (Multimedia) for the Site: Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. N/A Any criminal convictions of the state of Texas and the federal government. В. N/A Chronic excessive emissions events. C. N/A D. The approval dates of investigations. (CCEDS Inv. Track. No.) 1 07/18/2002 (174010)2 08/15/2002 (174014)3 09/19/2002 (174017)4 10/14/2002 (174020)

5 11/14/2002

6 12/18/2002

7 01/17/2003

8 02/13/2003

9 03/14/2003

10 04/21/2003

(174024)

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(173997)

11 04/28/2003	(24697)	
12 04/29/2003	(27426)	
13 05/20/2003	(174002)	
14 06/16/2003	(174006)	
15 07/17/2003	(174011)	
16 08/19/2003	(302070)	
17 09/03/2003	(302066)	
18 09/16/2003	(302068)	
19 10/08/2003	(249832)	
20 11/18/2003	(302071)	
21 12/18/2003	(302072)	
22 01/21/2004	(302073)	
23 02/23/2004	(302055)	
24 03/22/2004	(302058)	
25 04/12/2004	(302059)	
26 05/04/2004	(267718)	
27 05/05/2004	(302064)	
28 05/13/2004	(302061)	
29 07/02/2004	(261916)	
30 07/02/2004	(354777)	
31 08/02/2004	(276939)	
32 09/29/2004	(370970)	
33 10/05/2004	(354778)	
34 10/05/2004	(354780)	
35 10/05/2004	(354782)	
36 10/18/2004	(337554)	
37 11/12/2004	(339547)	
38 11/16/2004	(383341)	
39 11/18/2004	(354781)	
40 12/01/2004	(354779)	
41 12/14/2004 42 01/17/2005	(383342) (471050)	
43 03/18/2005	(277864)	
44 03/21/2005	(383340)	Transfer to
45 04/06/2005	(373078)	
46 04/18/2005	(430208)	
47 05/12/2005	(430209)	
48 05/18/2005	(338055)	
49 06/06/2005	(430211)	
50 06/15/2005	(430210)	14,045
51 08/22/2005	(442148)	
52 09/23/2005	(442149)	
53 11/28/2005	(471051)	1. 1997
54 12/15/2005	(419151)	
55 12/27/2005	(471052)	
56 01/24/2006	(471053)	5 s.e., \$15.
57 01/26/2006	(436581)	
58 02/24/2006 59 03/13/2006	(471046) (471048)	
60 03/13/2006	(471049)	4.5
61 03/22/2006	(471047)	
62 05/09/2006	(462691)	
63 05/22/2006	(464300)	
64 05/24/2006	(466829)	
65 05/24/2006	(499905)	
66 05/31/2006	(466811)	
67 05/31/2006	(466826)	
68 06/21/2006	(499906)	
69 07/24/2006	(482574)	
70 08/23/2006	(497599)	
71 08/29/2006	(521997)	
72 09/11/2006	(521998)	
73 09/19/2006	(530990)	
74 11/09/2006	(513711)	
75 11/10/2006	(546661)	
76 12/27/2006	(546660)	
77 01/23/2007	(546657)	
78 01/23/2007 79 02/15/2007	(546658) (553690)	
79 02/15/2007	(၁၁၁၀၅૫)	

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80 02/27/2007 (546659)81 05/14/2007 (559580)82 06/28/2007 (557219)83 06/28/2007 (557220)84 07/10/2007 (566470)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 11/30/2002

Self Report?

(174028)

30 TAC Chapter 305, SubChapter F 305.125(1)

Classification:

Moderate

Citation:

TWC Chapter 26 26.121(a)[G]

Failure to meet the limit for one or more permit parameter

Description: Date: 02/14/2003 (18325)

Self Report?

Classification:

Minor

Minor

Moderate

Moderate

Moderate

Moderate

Moderate

Moderate

Citation:

Citation:

TWC Chapter 26 26.121(a)(1)

Description: NO

Failure to prevent an unauthorized discharge.

Self Report?

TWC Chapter 26 26.039

Description: Date: 12/31/2003

Failure to report an unauthorized discharge from the treatment plant.

Self Report?

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Date: 07/29/2004

(276939)

Self Report?

2D TWC Chapter 26, SubChapter A 26.121(a)(1)

30 TAC Chapter 305, SubChapter F 305.125(1)

Citation: Ramt Prov:

Citation:

Citation:

Description:

PERMIT TPDES Permit No. 11071-001

Description:

Failure to prevent an unauthorized discharge of wastewater.

NO Self Report?

2D TWC Chapter 26, SubChapter A 26.121(a)(1) 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov:

PERMIT TPDES Permit No. 11071-001

Description:

Failure to prevent an unauthorized discharge of wastewater. Classification:

Self Report?

NC

30 TAC Chapter 319, SubChapter C 319.302(c) Failure to provide public notice of discharge from wastewater facility.

Date: 08/31/2004

Self Report?

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Date: 09/29/2004

Failure to meet the limit for one or more permit parameter (370970)

Self Report?

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Citation:

30 TAC Chapter 305, SubChapter F 305.125(17) NON-RPT VIOS FOR MONIT PER OR PIPE

Description:

Date: 10/31/2004 (383341)

(354779)

Self Report?

Classification:

Moderate

Moderate

Moderate

Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Date: 11/30/2004 Failure to meet the limit for one or more permit parameter

Self Report?

(383342)

30 TAC Chapter 305, SubChapter F 305.125(1)

Citation:

TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Date: 10/31/2005

(471051)

Self Report?

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Date: 01/26/2006 Failure to meet the limit for one or more permit parameter (436581)

Self Report? Citation:

TWC Chapter 26 26.121(a)(1)

Description: Failure by the permittee to prevent the discharge of wastewater into or adjacent to

water in the state without authorization from the Commission.

NO Classification: Moderate Self Report?

Citation:

30 TAC Chapter 305, SubChapter F 305.125(9)[G]

Failure by the permittee to orally notify the TCEQ of an unauthorized discharge Description:

within 24 hours and provide written notification within 5 days of becoming aware of

the noncompliance.

Self Report?

NO

2D TWC Chapter 26, SubChapter A 26.121(a)(1)

Citation: Description:

Failure by the permittee to prevent the discharge of wastewater into or adjacent to

water in the state without authorization from the Commission.

Date: 07/31/2006 (521997)

Self Report?

Classification:

Moderate

94 9 P. T

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Failure to meet the limit for one or more permit parameter Description:

Date: 09/19/2006

(530990)

NO Self Report?

Classification: Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

30 TAC Chapter 305, SubChapter F 305.125(17)

Date: 09/30/2006

NON-RPT VIOS FOR MONIT PER OR PIPE (546658)

Self Report?

YES

Classification:

Classification:

Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Fallure to meet the limit for one or more permit parameter Description: Date: 11/30/2006

Self Report? YES (546660)

Classification:

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Date: 02/15/2007

(553690)

NO

Classification:

Moderate

Self Report? Citation:

30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)

NON-RPT VIOS FOR MONIT PER OR PIPE

Description: Date: 05/14/2007

(559580)

Classification: Minor

Self Report? Citation:

40 CFR Chapter 403, SubChapter N, PT 403 403.8(f)(2)

Description:

Failure to maintain records of industrial user permit applications.

Environmental audits.

N/A

Type of environmental management systems (EMSs). G.

H. Voluntary on-site compliance assessment dates.

N/A

Participation in a voluntary pollution reduction program.

J. Early compliance.

N/A

Sites Outside of Texas

N/A

Compliance History

Customer/Respondent/Owner-Operator: CN600641765 City of Robinson Classification: AVERAGE Rating: 0.86 Regulated Entity: RN102097235 WACO METROPOLITAN AREA Classification: AVERAGE Site Rating: 0.88 REGIONAL SEWERAGE SYSTEM **WMARSS** ID Number(s): WASTEWATER PERMIT WQ0011071001 WASTEWATER PERMIT TPDES0026506 PRETREATMENT EPA ID TX0026506000 **PRETREATMENT PERMIT** WQ0011071001 WASTEWATER LICENSING LICENSE WQ0011071001 PERMIT TXR05K811 STORMWATER Rating Date: September 01 06 Repeat Violator: NO Location: SW bank of Brazos R., approx. 4.5 miles dwnstrm from crossing of I35 and Brazos R., McLennan Co. REGION 09 - WACO TCEQ Region: Date Compliance History Prepared: July 17, 2007 Agency Decision Requiring Compliance History: Enforcement July 17, 2002 to July 17, 2007 Compliance Period: TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History Phone: 512-239-4490 Merrilee G. Hupp Name: Site Compliance History Components 1. Has the site been in existence and/or operation for the full five year compliance period? Yes 2. Has there been a (known) change in ownership of the site during the compliance period? Yes 3. If Yes, who is the current owner? City of Waco City of Woodway City of Bellmead City of Lacy Lakeview City of Robinson City of Hewitt Brazos River Authority 4. if Yes, who was/were the prior owner(s)? Waco, Woodway, Bellmead, Lacy Lakeview, Robinson 5. When did the change(s) in ownership occur? 02/20/2004 05/14/2004 Components (Multimedia) for the Site: Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. N/A Any criminal convictions of the state of Texas and the federal government. Chronic excessive emissions events. C. The approval dates of investigations. (CCEDS Inv. Track. No.) D 1 07/18/2002 (174010)2 08/15/2002 (174014)3 09/19/2002 (174017)4 10/14/2002 (174020)

5 11/14/2002

6 12/18/2002

7 01/17/2003

8 02/13/2003

9 03/14/2003

10 04/21/2003

(174024)

(174028)

(174032)

(173989)

(173992)

(173997)

11	04/28/2003	(24697)
12	04/29/2003	(27426)
13	05/20/2003	(174002)
	Sec. 3.	
14	06/16/2003	(174006)
15	07/17/2003	(174011)
16	08/19/2003	(302070)
17	09/03/2003	(302066)
18	09/16/2003	(302068)
19	10/08/2003	(249832)
20	11/18/2003	(302071)
21	12/18/2003	(302072)
22	01/21/2004	(302073)
23	02/23/2004	(302055)
24	03/22/2004	(302058)
25	04/12/2004	(302059)
26	05/04/2004	(267718)
27	05/05/2004	(302064)
28	05/13/2004	(302061)
29	07/02/2004	(261916)
30	07/02/2004	(354777)
31	08/02/2004	(276939)
32	09/29/2004	(370970)
33	10/05/2004	(354778)
34	10/05/2004	(354780)
35	10/05/2004	(354782)
36	10/18/2004	(337554)
37	11/12/2004	(339547)
38	11/16/2004	(383341)
39	11/18/2004	(354781)
40	12/01/2004	(354779)
41	12/14/2004	(383342)
42	01/17/2005	(471050)
43	03/18/2005	(277864)
44	03/21/2005	(383340)
45	04/06/2005	(373078)
46	04/18/2005	(430208)
47	05/12/2005	(430209)
48	05/18/2005	(338055)
49	06/06/2005	(430211)
50	06/15/2005	(430210)
51	08/22/2005	(442148)
52	09/23/2005	(442149)
53	11/28/2005	(471051)
54	12/15/2005	(419151)
55	12/27/2005	(471052)
56	01/24/2006	(471053)
57	01/26/2006	(436581) (471046)
58 59	02/24/2006 03/13/2006	, ,
60	03/13/2006	(471048) (471049)
61	03/22/2006	(471043)
62	05/09/2006	(462691)
63		(464300)
64	05/24/2006	(466829)
65	05/24/2006	(499905)
66	05/31/2006	(466811)
67	05/31/2006	(466826)
68	06/21/2006	(499906)
69	07/24/2006	(482574)
70	08/23/2006	(497599)
71	08/29/2006	(521997)
72	09/11/2006	(521997)
73	09/11/2006	(530990)
73 74	11/09/2006	(513711)
74 75	11/10/2006	(546661)
76	12/27/2006	(546660)
77	01/23/2007	(546657)
78	01/23/2007	(546658)
79	02/15/2007	(553690)
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. ,1 :

Association (Associated

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80 02/27/2007 (546659) 81 05/14/2007 (559580) 82 06/28/2007 (557219) 83 06/28/2007 (557220) 84 07/10/2007 (566470)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 11/30/2002

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]

(174028)

Description: Failure to meet the limit for one or more permit parameter

Date: 02/14/2003 (18325)

Self Report? NO Classification: Minor

Citation: TWC Chapter 26 26.121(a)(1)

Description: Failure to prevent an unauthorized discharge.

Self Report? NO Classification: Minor

Citation: TWC Chapter 26 26.039

Description: Failure to report an unauthorized discharge from the treatment plant.

Date: 12/31/2003 (302073)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 07/29/2004 (276939)

Self Report? NO Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1) 30 TAC Chapter 305, SubChapter F 305.125(1)

Rgmt Prov: PERMIT TPDES Permit No. 11071-001

Description: Failure to prevent an unauthorized discharge of wastewater.

Self Report? NO Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)

30 TAC Chapter 305, SubChapter F 305.125(1)
Rgmt Prov: PERMIT TPDES Permit No. 11071-001

Description: Failure to prevent an unauthorized discharge of wastewater.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 319, SubChapter C 319.302(c)

Description: Failure to provide public notice of discharge from wastewater facility.

Date: 08/31/2004 (354779)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 09/29/2004 (370970)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 10/31/2004 (383341)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2004 (383342)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2005 (471051)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 01/26/2006 (436581)

Self Report? NO Classification: Moderate

Citation: TWC Chapter 26 26.121(a)(1)

Description: Failure by the permittee to prevent the discharge of wastewater into or adjacent to

water in the state without authorization from the Commission.

NO Classification: Moderate Self Report? 30 TAC Chapter 305, SubChapter F 305.125(9)[G] Citation: Failure by the permittee to orally notify the TCEQ of an unauthorized discharge Description: within 24 hours and provide written notification within 5 days of becoming aware of the noncompliance. NO Classification: Moderate Self Report? 2D TWC Chapter 26, SubChapter A 26.121(a)(1) Citation: Failure by the permittee to prevent the discharge of wastewater into or adjacent to Description: water in the state without authorization from the Commission. Date: 07/31/2006 (521997)Classification: Moderate Self Report? YES 30 TAC Chapter 305, SubChapter F 305.125(1) Citation: TWC Chapter 26 26.121(a)[G] Description: Failure to meet the limit for one or more permit parameter (530990)Date: 09/19/2006 Self Report? NO Classification: Moderate 30 TAC Chapter 305, SubChapter F 305.125(1) Citation: 30 TAC Chapter 305, SubChapter F 305.125(17) NON-RPT VIOS FOR MONIT PER OR PIPE Description: (546658) Date: 09/30/2006 YES Classification: Moderate Self Report? 30 TAC Chapter 305, SubChapter F 305.125(1) Citation: TWC Chapter 26 26.121(a)[G] Failure to meet the limit for one or more permit parameter Description: Date: 11/30/2006 (546660)Self Report? YES Classification: Moderate 30 TAC Chapter 305, SubChapter F 305.125(1) Citation: TWC Chapter 26 26.121(a)IG1 Failure to meet the limit for one or more permit parameter Description: 02/15/2007 (553690) Date: Self Report? NO Classification: Moderate 30 TAC Chapter 305, SubChapter F 305.125(1) Citation: 30 TAC Chapter 305, SubChapter F 305.125(17) Description: NON-RPT VIOS FOR MONIT PER OR PIPE Date: 05/14/2007 (559580)Self Report? NO Classification: Minor 40 CFR Chapter 403, SubChapter N, PT 403 403.8(f)(2) Citation: Description: Failure to maintain records of industrial user permit applications. Environmental audits. Type of environmental management systems (EMSs).

F.

N/A

G.

Н. Voluntary on-site compliance assessment dates.

N/A

Participation in a voluntary pollution reduction program.

J. Early compliance.

N/A

Sites Outside of Texas

N/A

Compliance History Customer/Respondent/Owner-Operator: CN600693105 City of Hewitt Classification: AVERAGE Rating: 0.88 WACO METROPOLITAN AREA Site Rating: 0.88 Regulated Entity: RN102097235 Classification: AVERAGE REGIONAL SEWERAGE SYSTEM **WMARSS** ID Number(s): WQ0011071001 WASTEWATER PERMIT WASTEWATER PERMIT TPDES0026506 **PRETREATMENT** EPA ID TX0026506000 WO0011071001 PERMIT PRETREATMENT WASTEWATER LICENSING LICENSE WQ0011071001 STORMWATER **PERMIT** TXR05K811 Rating Date: September 01 06 Repeat Violator: NO SW bank of Brazos R., approx. 4.5 miles dwnstrm from Location: crossing of I35 and Brazos R., McLennan Co. **REGION 09 - WACO** TCEQ Region: Date Compliance History Prepared: July 17, 2007 Agency Decision Requiring Compliance History: Enforcement July 17, 2002 to July 17, 2007 Compliance Period: TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History 512-239-4490 Merrilee G. Hupp Phone: Name: Site Compliance History Components 1. Has the site been in existence and/or operation for the full five year compliance period? Yes 2. Has there been a (known) change in ownership of the site during the compliance period? Yes 3. If Yes, who is the current owner? City of Waco City of Woodway City of Bellmead City of Lacy Lakeview City of Robinson City of Hewitt Brazos River Authority 4. if Yes, who was/were the prior owner(s)? Waco, Woodway, Bellmead, Lacy Lakeview, Robinson 5. When did the change(s) in ownership occur? 02/20/2004 05/14/2004 Components (Multimedia) for the Site: Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. N/A Any criminal convictions of the state of Texas and the federal government. N/A Chronic excessive emissions events. C. N/A The approval dates of investigations. (CCEDS Inv. Track. No.) D 1 07/18/2002 (174010)2 08/15/2002 (174014)

3 09/19/2002

4 10/14/2002

5 11/14/2002

6 12/18/2002

7 01/17/2003

8 02/13/2003

9 03/14/2003

10 04/21/2003

(174017)

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(173992)

(173997)

1	1 04/28/2003	(24697)	
12	2 04/29/2003	(27426)	
13	3 05/20/2003	(174002)	
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1		(174011)	
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17		(302066)	
18		(302068)	
19		(249832)	
20		(302071)	
2		(302072)	
2		(302073)	
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2		(302058)	*
2		(302059)	
20		(267718)	
2		(302064)	
2	8 05/13/2004	(302061)	
2		(261916)	
3	0 07/02/2004	(354777)	
3	1 08/02/2004	(276939)	
3	2 09/29/2004	(370970)	
3	3 10/05/2004	(354778)	
3	4 10/05/2004	(354780)	
3	5 10/05/2004	(354782)	•
30	6 10/18/2004	(337554)	
3	7 11/12/2004	(339547)	
3	8 11/16/2004	(383341)	
3	9 11/18/2004	(354781)	
4	0 12/01/2004	(354779)	
4	1 12/14/2004	(383342)	
4:	2 01/17/2005	(471050)	
4	3 03/18/2005	(277864)	
4	4 03/21/2005	(383340)	
4	5 04/06/2005	(373078)	
4	6 04/18/2005	(430208)	
4	7 05/12/2005	(430209)	
4	8 05/18/2005	(338055)	***
4	9 06/06/2005	(430211)	70 ft - 1 1 1 1 1 1 1
5		(430210)	
5		(442148)	
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6		(471047)	
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6		(466811)	
6		(466826)	
6		(499906)	
6		(482574)	
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		, ,	
7		(521997)	
7:		(521998)	
7:		(530990)	
7		(513711)	
7		(546661)	
70		(546660)	
7		(546657)	
7		(546658)	
7	9 02/15/2007	(553690)	

80 02/27/2007 (546659) 81 05/14/2007 (559580)82 06/28/2007 (557219) (557220)83 06/28/2007 (566470)84 07/10/2007

F Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 11/30/2002

Self Report?

30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]

(174028)

Failure to meet the limit for one or more permit parameter Description:

Date: 02/14/2003 (18325)

Self Report?

Classification: Minor

Classification:

Classification:

Moderate

Minor

Moderate

Classification:

Citation:

Citation:

TWC Chapter 26 26.121(a)(1)

Description:

Failure to prevent an unauthorized discharge.

Self Report? NO

TWC Chapter 26 26.039

Failure to report an unauthorized discharge from the treatment plant. Description:

Date: 12/31/2003 (302073)

Classification: Self Report? Moderate

Citation:

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Failure to meet the limit for one or more permit parameter Description:

Date: 07/29/2004

(276939)

Self Report?

2D TWC Chapter 26, SubChapter A 26.121(a)(1)

30 TAC Chapter 305, SubChapter F 305.125(1)

Citation: Rgmt Prov:

PERMIT TPDES Permit No. 11071-001

Description:

Failure to prevent an unauthorized discharge of wastewater.

NO Self Report?

Classification: Moderate

Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)(1) 30 TAC Chapter 305, SubChapter F 305.125(1)

PERMIT TPDES Permit No. 11071-001

Rgmt Prov: Description:

Failure to prevent an unauthorized discharge of wastewater.

Self Report? NC Classification: Moderate

Citation:

30 TAC Chapter 319, SubChapter C 319.302(c)

Failure to provide public notice of discharge from wastewater facility. Description:

Date: 08/31/2004

(354779)

Self Report? YES Classification: Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Failure to meet the limit for one or more permit parameter Description:

09/29/2004 Date:

Self Report?

(370970)

NO

Classification: Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)

Description:

NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 10/31/2004

Description:

Citation:

(383341)

Self Report?

30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]

Classification:

Moderate

Moderate

Date: 11/30/2004

Failure to meet the limit for one or more permit parameter

Self Report?

(383342)

Classification: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description:

Failure to meet the limit for one or more permit parameter

Citation:

Date: 10/31/2005

(471051)

Self Report?

Moderate Classification:

Citation: Description: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Failure to meet the limit for one or more permit parameter

01/26/2006 (436581)Date:

Self Report?

Classification: Moderate

Citation: Description: TWC Chapter 26 26.121(a)(1)

Failure by the permittee to prevent the discharge of wastewater into or adjacent to

water in the state without authorization from the Commission.

Self Report? NO Classification: Moderate

30 TAC Chapter 305, SubChapter F 305.125(9)[G] Citation:

Failure by the permittee to orally notify the TCEQ of an unauthorized discharge Description:

within 24 hours and provide written notification within 5 days of becoming aware of

Classification:

Classification:

Classification:

Moderate

Moderate

Moderate

Moderate

the noncompliance.

Self Report?

NO

2D TWC Chapter 26, SubChapter A 26.121(a)(1)

Citation: Description:

Failure by the permittee to prevent the discharge of wastewater into or adjacent to

water in the state without authorization from the Commission.

Date: 07/31/2006 (521997)

Self Report?

30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]

Failure to meet the limit for one or more permit parameter Description:

Date: 09/19/2006 (530990)

Self Report? NO Classification:

Citation:

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Citation:

30 TAC Chapter 305, SubChapter F 305.125(17) NON-RPT VIOS FOR MONIT PER OR PIPE

Description: Date: 09/30/2006 (546658)

Self Report? YES

Classification:

30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]

Failure to meet the limit for one or more permit parameter Description:

Date: 11/30/2006 (546660)

Self Report? YES

30 TAC Chapter 305, SubChapter F 305.125(1) Citation:

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

02/15/2007 (553690) Date:

Self Report? NO Classification: Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)

NON-RPT VIOS FOR MONIT PER OR PIPE Description:

Date: 05/14/2007

(559580)

Self Report?

Classification: 40 CFR Chapter 403, SubChapter N, PT 403 403.8(f)(2)

Citation: Description:

Failure to maintain records of industrial user permit applications.

Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

Η. Voluntary on-site compliance assessment dates.

N/A

Participation in a voluntary pollution reduction program.

N/A

Early compliance.

N/A

Sites Outside of Texas

N/A

Texas Commission on Environmental Quality



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING THE CITIES OF WACO,	§	
WOODWAY, BELLMEAD, LACY	§	TEXAS COMMISSION ON
LAKEVIEW, ROBINSON AND HEWITT	§	
RN102097235	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2007-1174-MWD-E

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the Cities of Waco, Woodway, Bellmead, Lacy Lakeview, Robinson and Hewitt ("the Cities") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Cities presented this agreement to the Commission.

The Cities understand that they have certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Cities agree to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Cities.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Cities own and the City of Waco operates a wastewater treatment plant located on the southwest bank of the Brazos River, approximately 4.5 miles downstream from the crossing of Interstate Highway 35 and the Brazos River, in McLennan County, Texas (the "Facility").

- 2. The Cities have discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
- 3. During an investigation on April 4, 2007, TCEQ staff documented a discharge of more than 100,000 gallons of wastewater into a bar ditch that flows into a concrete stormwater collector that discharged into Cottonwood Creek under South 12th Street due to a break in a 30-inch interceptor line. Approximately 16 dead fish and significantly high bacteria counts were documented downstream from the point of discharge.
- 4. During an investigation on April 4, 2007, TCEQ staff documented that the Cities did not provide oral notification to the TCEQ Waco Regional Office within 24 hours of becoming aware of an unauthorized discharge. Specifically, the Cities became aware of the unauthorized discharge at 4:45 pm on April 2, 2007, but did not notify the TCEQ until 6:01 pm on April 3, 2007.
- 5. During an investigation on April 11, 2007, TCEQ staff documented a release of approximately 5,000,000 gallons of wastewater from the manhole onto a field outside the lift station and into a storm water conveyance which flows into the Brazos River through a culvert below the Lake Brazos low water dam as a result of construction activities at the Transfer lift station. Significantly high bacteria counts were documented at the point of discharge (483,834 Most Probable Number per 100 milliliters ["MPN/100 mL"]) and downstream (1,842 MPN/100 mL) from the discharge compared to concentrations of 242 MPN/100 mL upstream.
- 6. The Cities received notices of the violations on June 29, 2007.
- 7. The Executive Director recognizes that the Cities have implemented the following corrective measures at the Facility:
 - a. On April 3, 2007 at 6:01 pm, orally reported to TCEQ Waco Regional Office the unauthorized discharge which they became aware of on April 2, 2007 at 4:45 pm;
 - b. By April 7, 2007, applied disinfectant to the ground, suspended disinfection bags from the 12th Street bridge, created an earthen dam to contain the April 2, 2007 discharge, diverted the flow in order to allow repair of the broken line, and removed sewer solids and litter from the area; and
 - c. By April 12, 2007, rerouted and replaced transducer cables to ensure continued operation and control of lift station wet well floats during construction activities, installed additional alarms to ensure awareness of malfunctions leading to unauthorized discharges, constructed berms to contain the April 10, 2007 unauthorized discharge, applied disinfectant to the ground, and removed sewer solids and litter from the area.

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II. CONCLUSIONS OF LAW

- 1. The Cities are subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
- 2. As evidenced by Findings of Fact No. 3, the Cities failed to prevent an unauthorized discharge of wastewater, in violation of Tex. Water Code § 26.121(a), Tex. Admin. Code § 305.125(4), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011071001, Permit Conditions 2.g.
- 3. As evidenced by Findings of Fact No. 4, the Cities failed to orally notify the TCEQ Waco Regional Office within 24 hours of becoming aware of an unauthorized discharge, in violation of 30 Tex. Admin. Code § 305.125(9)(A) and TPDES Permit No. WQ0011071001, Monitoring and Reporting Requirements No. 7.a.
- 4. As evidenced by Findings of Fact No. 5, the Cities failed to prevent an unauthorized discharge of wastewater, in violation of Tex. WATER CODE § 26.121(a), Tex. ADMIN. CODE § 305.125(4), and TPDES Permit No. WQ0011071001, Permit Conditions 2.g.
- 5. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Cities for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
- 6. An administrative penalty in the amount of Fifty-Four Thousand Seven Hundred Twenty Dollars (\$54,720) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in Tex. Water Code § 7.053. Fifty-Four Thousand Seven Hundred Twenty Dollars (\$54,720) shall be conditionally offset by the Cities' completion of a Supplemental Environmental Project.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Cities are assessed an administrative penalty in the amount of Fifty-Four Thousand Seven Hundred Twenty Dollars (\$54,720) as set forth in Section II, Paragraph 6 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Cities' compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Cities of Waco, Woodway, Bellmead, Lacy Lakeview, Robinson and Hewitt, Docket No. 2007-1174-MWD-E" to:

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Cities of Waco, Woodway, Bellmead, Lacy Lakeview, Robinson and Hewitt DOCKET NO. 2007-1174-MWD-E Page 4

> Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. The Cities shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with Tex. Water Code § 7.067. As set forth in Section II, Paragraph 6 above, Fifty-Four Thousand Seven Hundred Twenty Dollars (\$54,720) of the assessed administrative penalty shall be offset with the condition that the Cities implement the SEP defined in Attachment A, incorporated herein by reference. The Cities' obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
- 3. The Cities are jointly and severally liable for the violations documented in this Agreed Order, and are jointly and severally liable for timely and satisfactory compliance with all terms and conditions of this Agreed Order.
- 4. The provisions of this Agreed Order shall apply to and be binding upon the Cities. The Cities are ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 5. If the Cities fail to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Cities' failure to comply is not a violation of this Agreed Order. The Cities shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Cities shall notify the Executive Director within seven days after the Cities become aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Cities shall be made in writing to the Executive Director. Extensions are not effective until the Cities receive written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Cities if the Executive Director determines that the Cities have not complied with one or more of the terms or conditions in this Agreed Order.
- 8. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 9. This Agreed Order, issued by the Commission, shall not be admissible against the Cities in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed

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Cities of Waco, Woodway, Bellmead, Lacy Lakeview, Robinson and Hewitt DOCKET NO. 2007-1174-MWD-E Page 5

Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

- 10. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 11. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 Tex. ADMIN. CODE § 70.10(b) and Tex. GOV'T CODE § 2001.142.

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SIGNATURE PAGE

TEXAS COMMISSION ()N ENVIRONMENTA	L QUALITY
For the Commission	
of the Commission	
go On Sallin	Date 2/20/2008
For the Executive Director	Date / /
Waco, Woodway, Bellmead, Lacy Lakeview, I attached Agreed Order on behalf of the City of V	te attached Agreed Order in the matter of the Cities of Robinson and Hewitt. I am authorized to agree to the Vaco, and do agree to the specified terms and conditions ag payment for the penalty amount, is materially relying
including, but not limited to, the right to form notice of an evidentiary hearing, the right to an e	rder, the City of Waco waives certain procedural rights al notice of violations addressed by this Agreed Order videntiary hearing, and the right to appeal. I agree to the ary hearing. This Agreed Order constitutes full and final set forth in this Agreed Order.
I also understand that failure to comply with the timely pay the penalty amount, may result in:	Ordering Provisions, if any, in this order and/or failure to
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· Greater scrutiny of any permit applicatio	
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	ral's Office of any future enforcement actions; and
 TCEQ seeking other relief as authorized 	by law.
In addition, any falsification of any compliance of	locuments may result in criminal prosecution.
Liver but to	11-16-07
Signature	Date
·	
Larry D. Groth	City Manager
Name (Printed or typed)	Title
Authorized Representative of	
City of Waco	

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Cities of Waco, Woodway, Bellmead, Lacy Lakeview, Robinson and Hewitt DOCKET NO. 2007-1174-MWD-E Page 7

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission		
For the Executive Director		2/20/2008 Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of the Cities of Waco, Woodway, Bellmead, Lacy Lakeview, Robinson and Hewitt. I am authorized to agree to the attached Agreed Order on behalf of the City of Woodway, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, the City of Woodway waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEO seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature

Name (Printed or typed)

Authorized Representative of

City of Woodway

11/13/07
Date

City Monosex

Title

Cities of Waco, Woodway, Bellmead, Lacy Lakeview, Robinson and Hewitt DOCKET NO. 2007-1174-MWD-E Page 8

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

I Of the Commission		
		2/20
For the Executive Director		Date
For the Executive Director		, part

I, the undersigned, have read and understand the attached Agreed Order in the matter of the Cities of Waco, Woodway, Bellmead, Lacy Lakeview, Robinson and Hewitt. I am authorized to agree to the attached Agreed Order on behalf of the City of Bellmead, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, the City of Bellmead waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

A negative impact on compliance history,

Greater scruting of any permit applications submitted;

Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;

. Increased penalties in any future enforcement actions;

Automatic referral to the Attorney General's Office of any future enforcement actions; and

TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature Signature

NOVEMBER 14, 2007

Date

S.G. RADCLIFFE

Name (Printed or typed)
Authorized Representative of
City of Bellmead

CITY MANAGER

Title

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Cities of Waco, Woodway, Bellmead, Lacy Lakeview, Robinson and Hewitt DOCKET NO. 2007-1174-MWD-E Page 9

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

For the Executive Direc or

2/20/2008.

I, the undersigned, have read and understand the attached Agreed Order in the matter of the Cities of Waco, Woodway, Bellinead, Lacy Lakeview, Robinson and Hewitt. I am authorized to agree to the attached Agreed Order in behalf of the City of Lacy Lakeview, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by enturing into this Agreed Order, the City of Lacy Lakeview waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that fi ilure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

A negative impact on compliance history;

- Greater scrubing of any permit applications submitted;

Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/cr attorney fees, or to a collection agency;

- Increased penalties in any future enforcement actions;

Automatic referral to the Attornoy General's Office of any future enforcement actions; and

TCEQ seeking other relief as authorized by law.

In addition, any falsific nion of any compliance documents may result in criminal prosecution.

Signature

Date

Name (Printed or typed)

Authorized Represents ive of

City of Lacy Lakeview

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Page 10

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

2/20/2000

1, the undersigned, have read and understand the attached Agreed Order in the matter of the Cities of Wace, Woodwey, Bellinead, Lacy Lakeview, Robinson and Hewitt. I am authorized to agree to the attached Agreed Order on behalf of the City of Robinson, and do agree to the specified tenns and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, the City of Robinson waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, no lice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and filed adjudication by the Commission of the violations set forth in this Agrard Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order end/or failure to timely pay the penalty amount, realy result in:

- A negative impact on compliance history;
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- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional nalties, and/or attorney fees, or to a collection agency;
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- CBQ sooking other relief as authorized by law,

any falsification of any compliance documents may result in criminal prosecution.

Name (Printed or typed)

Authorized Representative of

City of Rebinson

Nov. 14, 2007
Date

City Manager
Title

Cities of Waco, Woodway, Bellmead, Lacy Lakeview, Robinson and Hewitt DOCKET NO. 2007-1174-MWD-E Page 11

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
For the Commission
For the Executive Director Date 2 20 2008
I, the undersigned, have read and understand the attached Agreed Order in the matter of the Cities of Waco, Woodway, Bellmead, Lacy Lakeview, Robinson and Hewitt. I am authorized to agree to the attached Agreed Order on behalf of the City of Hewitt, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.
I understand that by entering into this Agreed Order, the City of Hewitt waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.
 I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in: A negative impact on compliance history; Greater scrutiny of any permit applications submitted; Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency; Increased penalties in any future enforcement actions; Automatic referral to the Attorney General's Office of any future enforcement actions; and TCEQ seeking other relief as authorized by law. In addition, any falsification of any compliance documents may result in criminal prosecution.
Signature Date 11/16/07
Name (Printed or typed) Authorized Representative of City of Hewitt

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Attachment A Docket Number: 2007-1174-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondents: Cities of Waco, Woodway, Bellmead, Lacy Lakeview, Robinson

and Hewitt

Payable Penalty Amount: Fifty-Four Thousand Seven Hundred Twenty Dollars (\$54,720)

SEP Amount: Fifty-Four Thousand Seven Hundred Twenty Dollars (\$54,720)

Type of SEP: Pre-approved

Third-Party Recipient: Texas Association of Resource Conservation and Development

Areas, Inc. ("RC&D")- Wastewater Treatment Assistance

Location of SEP: McLennan County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondents to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondents shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to provide low income rural homeowners with assistance to enable the repair or replacement of their failing on-site wastewater systems. SEP monies will be used to pay for the labor and materials costs related to repairing or replacing the failing systems. The recipients will not be charged for the cost of replacing or repairing the failing systems.

The Respondents certify that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by protecting water sources for drinking, recreation, and wildlife from contamination from failing treatment systems

C. Minimum Expenditure

The Respondents shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

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Cities of Waco, Woodway, Bellmead, Lacy Lakeview, Robinson and Hewitt Agreed Order - Attachment A

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondents must contribute the SEP Amount to the Third-Party Recipient. The Respondents shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc. 1716 Briarcrest Drive, Suite 510 Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondents shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondents shall mail a copy of the check and transmittal letter to:

Enforcement Division Attention: SEP Coordinator, MC 219 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondents do not perform their obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality Financial Administration Division, Revenues Attention: Cashier, MC 214 P.O. Box 13088 Austin, Texas 78711-3088

The Respondents shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondents must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

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Cities of Waco, Woodway, Bellmead, Lacy Lakeview, Robinson and Hewitt Agreed Order – Attachment A

6. Clean Texas Program

The Respondents shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondents may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondents under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

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